



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

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REGIONAL
ADMINISTRATOR'S
DIVISION

April 26, 2022

Kimberly D. Bose, Secretary
Federal Energy Regulatory Commission
888 First Street NE, Room 1A
Washington, DC 20426

Dear Ms. Bose:

The U.S. Environmental Protection Agency has reviewed the Federal Energy Regulatory Commission's February 2022 Notice of Intent to prepare an Environmental Assessment for the Amendment of License to the Hell's Canyon Hydroelectric Project (FERC Project Number 1971; EPA Project Number 21-0060-FERC). EPA has conducted its review pursuant to the National Environmental Policy Act and our review authority under Section 309 of the Clean Air Act. The CAA Section 309 role is unique to EPA and requires EPA to review and comment publicly on any proposed federal action subject to NEPA's environmental impact statement requirement.

On October 8th, 2021, the Idaho Power Company (IPC) filed an application to amend the license for the Hells Canyon Hydroelectric Project. FERC has issued a notice that the application was accepted for filing and solicited comments, motions to intervene and protests. FERC is also preparing a NEPA analysis to incorporate changes to the intake structure for the Oxbow Fish Hatchery as it has extensive corrosion and compromised structural members. The proposed project includes in water work within the confines a silt curtain.

EPA appreciates the opportunity to review the proposed project as FERC develops its NEPA analysis. EPA recommends the NEPA analysis consider any reasonably foreseeable future conditions such as climate change and cumulative impacts that may result from the proposed amendment. Additionally, EPA recommends evaluating if the proposed amendment may have impacts to communities with environmental justice concerns. The enclosed Detailed Comments provides greater detail regarding these and other recommendations.

If you have any questions about our comments, please contact Scott Schlieff at (206) 553-4032 or Schlieff.Scott@epa.gov, or contact me at (206) 553-1774 or at chu.rebecca@epa.gov.

Sincerely,

Rebecca Chu, Chief
Policy and Environmental Review Branch

Enclosure

**U.S. EPA Detailed Comments on the
Hells Canyon Hydroelectric Project License Amendment
Baker County, Oregon
April 2022**

Environmental Justice

Assessing EJScreen information is a useful first step in understanding or highlighting locations that may be candidates for further review or outreach in determining where environmental justice (EJ) concerns may exist.¹ EPA considers a project to be in an area of potential EJ concern when an EJScreen analysis for the impacted area shows one or more of the eleven EJ Indexes at or above the 80th percentile in the nation and/or state. At a minimum, EPA recommends an EJScreen analysis consider EJScreen information for the block group(s) which contains the proposed action, and a one-mile radius around those areas.

It is important to consider all impacted areas by the proposed actions. Areas of impact can be a single block group or span across several block groups and communities. When assessing large geographic areas, consider the individual block groups within the project area in addition to an area wide assessment. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators.² As the screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location and/or proposed project, consider additional information in an EJ analysis to supplement EJScreen outputs.³

Further review or outreach may be necessary for the proposed action if it is found that there are communities with potential EJ concerns. To further analyze and screen for communities with EJ concerns affected by the proposed amendment, EPA recommends:

- Applying the "Environmental Justice Interagency Working Group Promising Practices for EJ Methodologies in NEPA Reviews" report, or the Promising Practices Report, to this project.⁴ The Promising Practices Report is a compilation of methodologies gleaned from current agency practices concerning the interface of EJ considerations through NEPA processes.
- Characterizing project site(s) with specific information or data related to EJ concerns.⁵
- Describing potential EJ concerns for all EJ Indexes at or above the 80th percentile in the state and/or nation.
- Describing block groups which contains the proposed action and at a minimum, a one-mile radius around those areas.

¹ <https://ejscreen.epa.gov/mapper/>.

² <https://www.epa.gov/ejscreen/technical-documentation-ejscreen>.

³ <https://www.epa.gov/healthresearch/health-impact-assessment-hia-resource-and-tool-compilation>; <https://www.lep.gov/maps/lma2015/Final>; <https://www.airnow.gov/>; <https://www.atsdr.cdc.gov/placeandhealth/svi/index.html>; <https://nihhis.cpo.noaa.gov/vulnerability-mapping>; <https://www.cpc.ncep.noaa.gov/products/predictions/threats/extremesTool.php>; <https://www.fema.gov/emergency-managers/practitioners/resilience-analysis-and-planning-tool>; <https://epa.maps.arcgis.com/home/webmap/viewer.html?webmap=137d4e512249480c980e00807562da10>.

⁴ https://www.epa.gov/sites/default/files/2016-08/documents/nepa_promising_practices_document_2016.pdf.

⁵ For more information about potential EJ concerns, refer to the July 21, 2021, Memorandum for the Heads of Departments and Agencies Interim Implementation Guidance for the Justice40 Initiative. <https://www.whitehouse.gov/wp-content/uploads/2021/07/M-21-28.pdf>.

- Describing individual block groups within the project area in addition to an area wide assessment.
- Supplementing data with county level reports and local knowledge. This may include:
 - The Health Impact Assessment (HIA) Resource and Tool Compilation⁶
 - Limited English Proficiency Mapping⁷
 - Air Quality Data⁸
 - Center for Disease Control and Agency for Toxic Substances and Disease Registry's Social Vulnerability Index⁹
 - Extreme Heat Vulnerability Mapping Tool¹⁰
 - Global Probabilistic Extremes Forecast Tool¹¹
 - Resilience Analysis and Planning Tool¹²
 - Smart Location Mapping¹³
 - Ground truthing through meaningful engagement with residents, community leaders, and organizations.

Tribal Consultation

EPA encourages the FERC consult with the Tribes and incorporate feedback from the Tribes when making decisions regarding the project. EPA recommends the NEPA analysis describe the issues raised during the consultations and how those issues were addressed.

Climate Resiliency

In characterizing the affected environment and environmental consequences of the proposed amendment of license, EPA recommends that NEPA analysis include:

- Existing and reasonably foreseeable environmental trends related to a changing regional and local climate; and
- Reasonably foreseeable effects that a currently changing climate will have on the proposed project and the project area, especially as it relates to water levels and water temperatures.

Cumulative Impacts

When analyzing the project, EPA recommends determining what the cumulative impacts of the proposed amendment will be on human health and the environment. The NEPA analysis should determine if any of the impacts of the proposed amendment will interact and potentially exacerbate the effects of other impacts within the project area. This could include, but is not limited to, the timing of the work being completed coinciding with other human or natural disturbances that are affecting the stream and watershed.

⁶ <https://www.epa.gov/healthresearch/health-impact-assessment-hia-resource-and-tool-compilation>.

⁷ <https://www.lep.gov/maps/lma2015/Final>.

⁸ <https://www.airnow.gov/>.

⁹ <https://www.atsdr.cdc.gov/placeandhealth/svi/index.html>.

¹⁰ <https://nihhis.cpo.noaa.gov/vulnerability-mapping>.

¹¹ <https://www.cpc.ncep.noaa.gov/products/predictions/threats/extremesTool.php>.

¹² <https://www.fema.gov/emergency-managers/practitioners/resilience-analysis-and-planning-tool>.

¹³ <https://epa.maps.arcgis.com/home/webmap/viewer.html?webmap=137d4e512249480c980e00807562da10>.